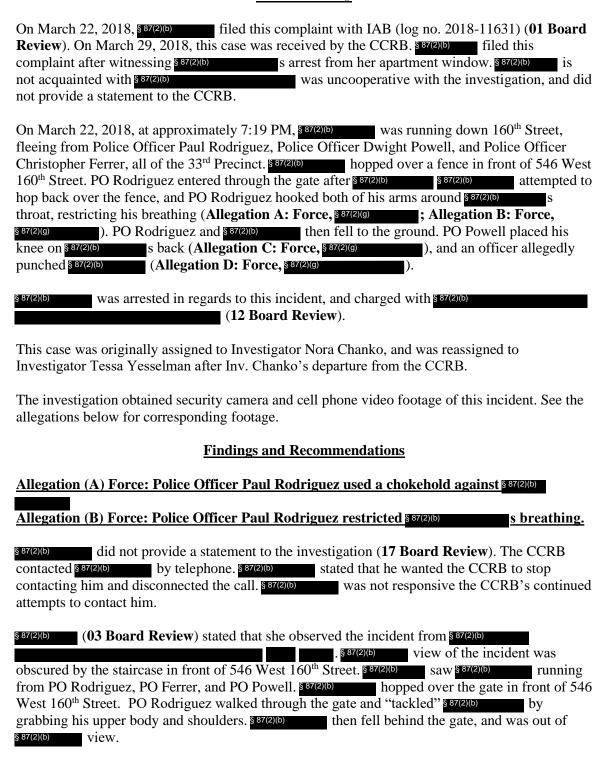
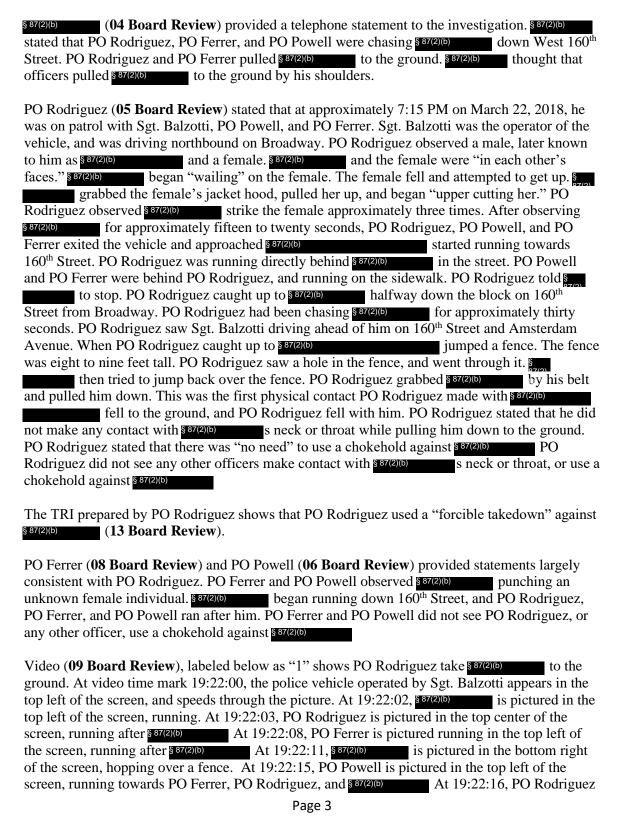
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	П	Discourt.	□ U.S.
Tessa Yesselman		APU	201802476	_	Abuse	_	O.L.	☐ Injury
1033d 1035cmidii		l'il c	201002470	╚	House	ш	O.L.	mjury
Incident Date(s) Loc		Location of Incident:		P	recinct:	18 N	Mo. SOL	EO SOL
Thursday, 03/22/2018 7:19 PM		In front of 546 West 16	50th Street	33 9/22/2019		9/22/2019		
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time Received at CCRB		RB		
Thu, 03/22/2018 7:25 PM		IAB	Phone		Thu, 03/29/2018 11:11 AM			[
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Paul Rodriguez	12876	943750	033 PCT					
2. POM Dwight Powell	09038	951077	033 PCT					
3. An officer								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Christophe Ferrer	24131	945715	033 PCT					
2. SGT Jeffrey Balzotti	03907	941388	033 PCT					
Officer(s)	Allegation	on			Inve	estigat	tor Recon	nmendation
A.POM Paul Rodriguez	Force: Police Officer Paul Rodriguez used a chokehold against §87(2)(b)							
B.POM Paul Rodriguez	Force: Police Officer Paul Rodriguez restricted s breathing.							
C.POM Dwight Powell	Force: Police Officer Dwight Powell used physical force against § 87(2)(b)							
D. An officer	Force: An officer used physical force against § 87(2)(b)							

Case Summary

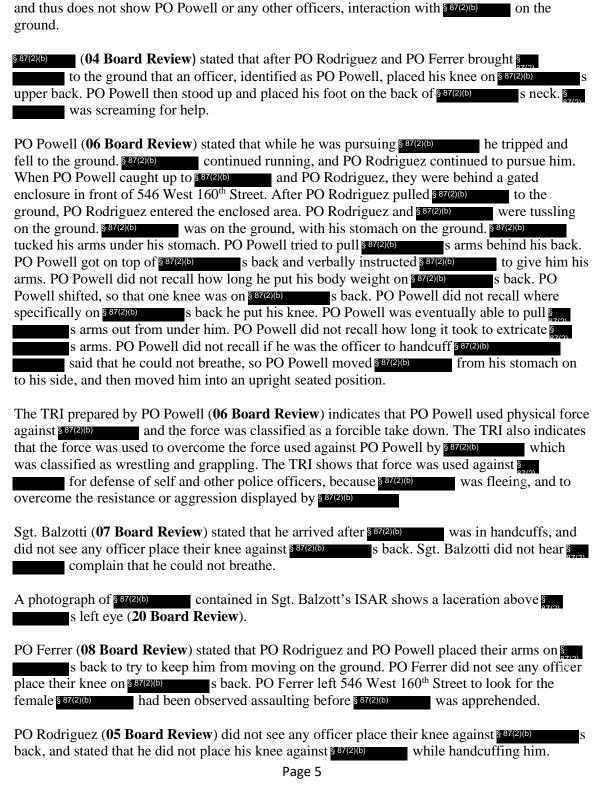


Page 2



opens the gate and enters the fenced area §87(2)(b) is in. At 19:22:21, PO Rodriguez pulls §37(2)(b)
by the belt, as \$87(2)(5) attempts to climb back over the fence. At 19:22:23, PO
Rodriguez wraps his left arm around \$87(2)(b) s neck. At 19:22:24, PO Rodriguez wraps his
right arm around \$87(2)(b) s neck. At 19:22:25, PO Rodriguez and \$87(2)(b) fall towards
the ground, and out of the frame of the video.
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1.mp4
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§ 87(2)(g)
Patrol Guide Procedure 221-01 defines a chokehold as including, but not limited to, any pressure
to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. The
patrol guide further states that officers shall not use chokeholds (16 Board Review).
patrol guide further states that officers shall not use chokeholds (10 Doard Review).
§ 87(2)(g)
Allegation C: Police Officer Dwight Powell used physical force against §87(2)(b)
Allegation D: An officer used physical force against §87(2)(b)
did not provide a statement to the investigation (17 Board Review).
(03 Board Review) did not describe PO Powell using physical force against
provided cell phone video (10 Board Review) to the investigation, labeled below as
"2." The video does not show PO Powell using physical force against \$87(2)(b) but contains
audio of the interaction. §87(2)(b) is heard loudly groaning throughout the video. At the :07
mark, PO Rodriguez is pictured in a red hooded sweatshirt, outside of the gated area in front of
546 West 160th Street. At the :19 mark, Sgt. Balzotti is shown standing up inside of the gated
area, and \$87(2)(5) says, "He hit me." At the :28 mark, Sgt. Balzotti exits the gated area. At
the :30 mark, \$87(2)(b) is heard saying, "I can't breathe" repeatedly, and that he needs, "The
hospital." At the :40 mark, Sgt. Balzotti motions into the gated area and says, "Pick him up." At
the :59 mark, PO Powell moves \$87(2)(b) on to his side. PO Powell repeatedly tells \$87(2)(b)
to sit up. The video ends with \$87(2)(b) still on his side.
A
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2.MOV
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The security camera footage, as discussed above in Allegation A, does not capture the ground,

PO Powell acknowledged using physical force against \$87(2)(b) against \$87(2)(b) s back, and placing his knee into \$87(2)(b)	by laying his body weight s back. § 87(2)(9)
(03 Board Review) stated that she observed an office his right fist towards \$87(2)(6) a motion which \$87(2)(6) per was either on the ground or if he was on the way to the described this officer as white or Latino, skinny, wear and jeans, and stated that this officer was one of the two initial of to 546 West 160 th Street.	erceived to be a punch. ground when he was punched. ring a black or dark sweatshirt,
(04 Board Review) did not describe seeing any office	er punch § 87(2)(b)
PO Rodriguez (05 Board Review) and PO Ferrer (08 Board Review) enter the gated area with \$\frac{87(2)(b)}{2}\$ stated that they did not see any other officer do so. Sgt. Balzotti (07 Board Review) and also stated that they did not punch \$\frac{87(2)(b)}{2}\$ and did not see any other officer do so. Sgt. Balzotti (07 Board Review) and also stated that they did not punch \$\frac{87(2)(b)}{2}\$ and did not see any other officer do so.	punch [887(2)(b)] and did not I PO Powell (06 Board Review)
As described above, the cell phone video (02 Board Review) prospectively saying, "He hit me." The video shows that Sgt. Balze officers in \$87(2)(b) immediate vicinity when \$87(2)(b) is referring to, or at what point during the interaction.	otti and PO Powell are the akes that statement. It is not clear
§ 87(2)(g)	
Civilian and Officer CCRB H	<u>listories</u>
• § 87(2)(b)	
• This is the first CCRB complaint to which § 87(2)(b) ha	s been party (19 Board Review).

- PO Rodriguez has been a member of service for twelve years, and has six previous allegations and no substantiations. PO Rodriguez has three previous physical force allegations.
- PO Powell has been a member of service for seven years, and has thirty five previous allegations. In CCRB case 201509083, four allegations were substantiated against PO Powell: Abuse of Authority (stop), Abuse of Authority (refusal to provide name and shield number), Abuse of Authority (frisk), and Abuse of Authority (search). The CCRB

Page 6

recommended Command Discipline A, and PO Powell received Command Discipline A. PO Powell has five previous physical force allegations.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- According to the Office of Court Administration (OCA), [887(2)(b)] has no history of criminal convictions in New York City (11 Board Review).
- According to the Office of Court Administration (OCA), [867(2)(6)] has no history of criminal convictions in New York City (18 Board Review).

Squad No.: 3			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	 Date

Page 7